

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION**

FREDDIE CAGLE, §  
§  
Plaintiff, § Civil Action No. 2:23-cv-140-RWS  
V. §  
§  
NATIONAL INDEMNITY §  
COMPANY OF THE SOUTH, and §  
OLD REPUBLIC INSURANCE §  
COMPANY, §  
Defendants. §  
§

**AFFIDAVIT OF ARIEL CALZADA**

BEFORE ME, an officer authorized to take oaths this day personally appeared Ariel Calzada (“Ariel” or “Affiant”) who, being first duly sworn, deposes and says:

1. My name is Ariel Calzada, I am over the age of eighteen (18), and I have personal knowledge of the facts set forth herein.
2. I was involved in the management of One Way Hauling Express Co. (hereinafter the “One Way”) in 2019, including during the time frame of the wreck on July 16, 2019 (hereinafter the “Wreck”).
3. I am aware that on July 16, 2019, Loyola Lobaina was involved in a Wreck while driving a 2014 Freightliner truck which One Way leased from Kings Way USA Transport Inc. while hauling a load for One Way.
4. I am personally aware that One Way secured work for One Way by accessing a load board populated by a broker, including the load which was involved in the Wreck.

*Act*

5. Using the broker load board, One Way secured the load involved in the Wreck on behalf of One Way as a for-hire motor carrier.

6. On July 16, 2019, One Way was the for-hire motor carrier transporting property across state lines using One Way's truck being driven by Loyola Lobaina.

7. On July 16, 2019, Loyola Lobaina was an employee of One Way.

8. On July 16, 2019, Osiel Tellez was an employee of One Way.

9. On July 16, 2019, One Way was a for hire motor carrier and accepted the load which One Way had secured from the broker load board.

10. On July 16, 2019, Loyola Lobaina was directed by One Way to drive One Way's truck to haul the load secured on behalf of One Way.

11. In August 2019, no representative of Ryder or Old Republic Insurance Company requested information from me or my son, Yadiel Calzada, about prior wrecks involving One Way before insuring One Way with an effective date of June 14, 2019.

12. The attached Payment ledger was kept in the ordinary course of business for One Way reflecting payments made to Loyola Lobaina as a truck driver for One Way. A true and correct copy is attached hereto as Exhibit A.

13. One Way would have paid Loyola Lobaina for hauling the load on behalf of One Way, but did not because Loyola Lobaina did not complete the trip/delivery because he crashed One Way's truck on July 16, 2019 as a result of the Wreck.

14. I have personal knowledge of all of the facts set forth above, and all of the above facts are true and correct.

FURTHER AFFIANT SAYETH NOT.



Ariel Calzada



STATE OF FLORIDA )  
                      )  
COUNTY OF MIAMI-DADE)

SWORN TO AND SUBSCRIBED before me this 9th day of July, 2024 by Ariel Calzada,  
who is personally known to me, and who did take an oath.



DOUGLAS J. JEFFREY  
Commission # HH 311091  
Expires January 12, 2027

  
NOTARY PUBLIC/STATE OF FLORIDA

My commission expires:

1/12/27

## Exhibit A

11:14 AM

04/22/24

Accrual Basis

February 1 through July 15, 2019

Type	Date	Num	Account	Cir	Amount
<b>ISIDRO A LOBAINA LOYOLA</b>					
Check	02/01/2019	3551	ONE WAY HAULIN..		1,319.71
Check	02/08/2019	3581	ONE WAY HAULIN..		1,319.50
Check	02/17/2019	3602	ONE WAY HAULIN..		1,308.00
Check	02/25/2019	3632	ONE WAY HAULIN..		1,308.00
Check	03/03/2019	3669	ONE WAY HAULIN..		1,267.50
Check	03/29/2019	3809	ONE WAY HAULIN..		1,311.50
Check	04/03/2019	3831	ONE WAY HAULIN..		1,309.00
Check	04/11/2019	3881	ONE WAY HAULIN..		1,308.00
Check	05/13/2019	4008	ONE WAY HAULIN..		2,522.00
Check	05/20/2019	4054	ONE WAY HAULIN..		1,341.50
Check	07/08/2019	4266	ONE WAY HAULIN..		1,311.50
Check	07/15/2019	4266	ONE WAY HAULIN..		1,313.00
Total ISIDRO A LOBAINA LOYOLA					<u>16,939.21</u>
<b>TOTAL</b>					<u>16,939.21</u>

Page 1

